

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, September 9, 2021

Hearing Room 1545

8:00 AM

2:00-00000

Chapter

#0.00 Hearings in Judge Bason's courtroom (1545) are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone. You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. ZoomGov appearances are free.

ZoomGov Instructions for all matters on today's calendar:

Meeting ID: 161 310 4477

Password: 262807

Meeting URL: <https://cacb.zoomgov.com/j/1613104477>

Telephone: +1 669 254 5252 or +1 646 828 7666 or 833 568 8864 (Toll Free)

Please connect at least 5 minutes before the start of your hearing, and wait with your microphone muted until your matter is called.

CHAPTER 13: Persons needing to contact the Chapter 13 Trustee's attorney, either prior to the hearing or during a recess, can call Kaleen Murphy, Esq. at (213) 996-4433.

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, September 9, 2021

Hearing Room 1545

8:30 AM

2:17-19687 Joe Emmanuel Castillo and Jina Veronica Castillo

Chapter 13

#1.00 Hrg re: Motion under Local Bankruptcy Rule 3015-1
(n) and (w) to modify plan or suspend plan payments

Docket 49

Tentative Ruling:

Appearances are not required.

Grant in accordance with the Chapter 13 Trustee's comments (dkt. 57).

Proposed order: Debtor is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone**. You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Joe Emmanuel Castillo

Represented By
Nima S Vokshori

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Thursday, September 9, 2021

Hearing Room 1545

8:30 AM

CONT... Joe Emmanuel Castillo and Jina Veronica Castillo

Chapter 13

Joint Debtor(s):

Jina Veronica Castillo

Represented By
Nima S Vokshori

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Thursday, September 9, 2021

Hearing Room 1545

8:30 AM

2:18-19484 Regina Suzanne Rioux

Chapter 13

#2.00 Hrg re: Motion under Local Bankruptcy Rule 3015-1
(n) and (w) to modify plan or suspend plan payments

Docket 29

Tentative Ruling:

Appearances required, absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion by Debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 30).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone**. You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Regina Suzanne Rioux

Represented By
David Samuel Shevitz

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Thursday, September 9, 2021

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8:30 AM

CONT... Regina Suzanne Rioux

Chapter 13

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, September 9, 2021

Hearing Room 1545

8:30 AM

2:20-17992 Ralph Anthony Duran, Jr.

Chapter 13

#3.00 Hrg re: Motion under Local Bankruptcy Rule 3015-1
(n) and (w) to modify plan or suspend plan payments

Docket 34

***** VACATED *** REASON: Resolved by dkt. 42 and order thereon**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ralph Anthony Duran Jr.

Represented By
Elena Steers

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, September 9, 2021

Hearing Room 1545

8:30 AM

2:21-10932 Gary Lynn Montoya

Chapter 13

#4.00 Hrg re: Motion for order determining
value of cash collateral:
Santandar Consumer USA

Docket 35

Tentative Ruling:

Appearances are not required.

Grant the motion and bifurcate the lien of Santandar Consumer USA, Inc. into a secured claim of \$14,050.00 and an unsecured claim of \$10,823.57.

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone**. You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Gary Lynn Montoya

Represented By

**United States Bankruptcy Court
Central District of California
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Thursday, September 9, 2021

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8:30 AM

CONT... Gary Lynn Montoya

Khachik Akhkashian

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, September 9, 2021

Hearing Room 1545

8:30 AM

2:19-18958 Merlyn Salinas

Chapter 13

#5.00 Cont'd hrg re: Motion Under Local Bankruptcy Rule 3015-1
(n) and (w) to Modify Plan or Suspend Plan Payments
fr. 08/12/21

Docket 29

Tentative Ruling:

Tentative Ruling for 9/9/21:

At the hearing on 8/12/21 this Court was persuaded to continue this matter to this date. The tentative ruling is to grant the motion on the conditions proposed by the Chapter 13 Trustee (dkt. 34). Appearances are not required.

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone**. You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 8/12/21:

Appearances required, absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion

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CONT...

Merlyn Salinas

Chapter 13

by Debtor. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 30).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone**. You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Merlyn Salinas

Represented By
Thomas B Ure

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Thursday, September 9, 2021

Hearing Room 1545

8:30 AM

2:18-24652 Jennifer Lynne Kaba

Chapter 13

#6.00 Cont'd hrg re: Debtor's Motion for Order
Disallowing Proof of Claim 4-1
fr. 08/12/21

Docket 44

***** VACATED *** REASON: Voluntary dismissal filed on 9/5/21 [dkt. 47]**

Tentative Ruling:

Party Information

Debtor(s):

Jennifer Lynne Kaba

Represented By
Sanaz Sarah Bereliani

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Thursday, September 9, 2021

Hearing Room 1545

8:30 AM

2:20-18003 Yolanda Espinosa

Chapter 13

#7.00 Cont'd hrg re: Objection to Proof of Claim #8
filed by Bank of America, N.A.
fr. 1/21/21, 03/18/21, 5/20/21, 07/22/21

Docket 23

Tentative Ruling:

Tentative Ruling for 9/9/21:

Appearances required.

The Court continued the 7/22/21 hearing on this matter to this date to allow the parties to review whether Debtor has submitted all documents required for a loan modification. As of the date this tentative ruling was prepared, no proposed loan modification has been filed with the Court. There is no tentative ruling, but the parties should be prepared to address the status of the proposed loan modification.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone**. You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 7/22/21:

**United States Bankruptcy Court
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CONT... Yolanda Espinosa
Appearances required.

Chapter 13

The Court continued the 5/20/21 hearing on this matter to this date to allow claimant to commence an adversary proceeding and/or to allow the parties to negotiate the terms of a loan modification. As of the date this tentative ruling was prepared, no proposed loan modification has been filed with the Court. There is no tentative ruling, but the parties should be prepared to address the status of these discussions.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone**. You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 5/20/21:
Appearances required.

The Court continued the 1/21/21 hearing on this matter to 3/18/21 to allow claimant to commence an adversary proceeding and/or to allow the parties to consensual resolution. On 3/16/21, this Court entered an order approving the stipulation by the parties to continue the 3/18/21 hearing to this date. There is no tentative ruling, but the parties should be prepared to address the status of their negotiations and/or whether claimant intends to initiate the aforementioned adversary proceeding.

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CONT... Yolanda Espinosa

Chapter 13

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 1/21/21:

Continue to 3/18/21 at 8:30 a.m. so that claimant can commence its contemplated adversary proceeding or the parties can reach a consensual resolution. Counsel for Debtor is cautioned about the need to exercise reasonable judgment in how much to expend in paying attorney fees instead of paying creditors. Appearances are not required on 1/21/21.

(1) Reasons for continuance

This Court has reviewed Debtor's motion (dkt. 23), the claimant's opposition (dkt. 30), and Debtor's reply (dkt. 31). Although Debtor's reply argues that the claimant has not cited authority, that puts the cart before the horse. Debtor is the objecting party and Debtor has not cited any authority that a deed of trust on real property is void or unenforceable as a matter of law when it includes the correct street address and a conflicting legal description for a particular parcel.

Alternatively, even if Debtor did not need to cite any such authority (which is incorrect), this Court's understanding of California law is contrary to Debtor's position. Based on unrelated litigation before this Court, the general rule appears to be that a transfer of an interest in property "is not void for uncertainty because of errors or inconsistency in some of the particulars of the description" if it is possible "from the whole description to ascertain and identify the land intended to be conveyed." *Gyurec v. Bank of New York Trust Co., NA* (Cal. Ct. App., 4th Dist., 2014) (unpublished, Case No. No. G050083) (quoting *Leonard v. Osburn*, 169 Cal. 157, 160 (1915)) (correct

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8:30 AM

CONT...

Yolanda Espinosa

Chapter 13

street address sufficient for deed of trust's validity, even though it incorrectly described property as located in "Township 4 North" instead of Township 4 South"). See *also* Cal. Code Civ. P. 2077 ("Where there are certain definite and ascertained particulars in the description, the addition of others which are indefinite, unknown, or false, does not frustrate the conveyance, but it is to be construed by the first mentioned particulars.").

Based on the foregoing, it appears appropriate to continue this hearing for the parties either to litigate the issue or, perhaps, agree to a consensual resolution.

(2) Expenditure of funds on attorney fees

Given the apparent principles of California law (summarized above), Debtor's counsel is reminded of the need to do a cost/benefit analysis in determining whether it is worth expending funds on attorney fees that otherwise would go to pay creditors. Debtor's counsel is reminded that the posted "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) state:

§ 502: claim objections & cost/benefit analysis. When objecting to claims, be sure to include an analysis of whether the costs of preparing and litigating the claim objection (administrative expenses) do not exceed the anticipated benefits (reductions in claims). For example, if the anticipated dividend is small or 0% then the attorney fees incurred in prosecuting your claim objection to any general unsecured claim probably will exceed the benefit to the bankruptcy estate/debtor, so filing that objection would be a waste of the bankruptcy estate's (and everyone else's) resources (unless, for example, the claim is nondischargeable, in which event the attorney fees might well be justified).

Debtor's claim objection does not include any cost/benefit analysis. If Debtor decides to continue with the claim objection, this Court will set a deadline at a future hearing for Debtor's counsel to file a cost/benefit declaration.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances

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CONT... Yolanda Espinosa

Chapter 13

are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Yolanda Espinosa

Represented By
Barry E Borowitz

Movant(s):

Yolanda Espinosa

Represented By
Barry E Borowitz

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Thursday, September 9, 2021

Hearing Room 1545

8:30 AM

2:20-11950 Armando Hernandez and Rita Hernandez

Chapter 13

#8.00 Cont'd hrg re: Application for Payment of Final Fees and/or Expenses for Brad D Krasnoff, Chapter 7 Trustee Chapter 7 fr. 08/12/21

Docket 69

Tentative Ruling:

Tentative Ruling for 9/9/21:

Allow the former Chapter 7 Trustee fees in the amount of \$26,500.00 pursuant to the application (dkt. 69), the stipulation of the Chapter 13 Trustee, Debtors and former Chapter 7 Trustee (dkt. 73, 75), and the proof of service (dkt. 79). Appearances are not required.

Proposed order: Movant is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone.** You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 8/12/21:

Continue to 9/9/21 at 8:30 a.m. to address the following issues. Appearances

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CONT... Armando Hernandez and Rita Hernandez
are not required on 8/12/21.

Chapter 13

Reasons:

Service. The motion papers were not served on all creditors as required by LBR 3015-1(x).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone**. You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Armando Hernandez

Represented By
Michael Jay Berger

Joint Debtor(s):

Rita Hernandez

Represented By
Michael Jay Berger

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Courtroom 1545 Calendar**

Thursday, September 9, 2021

Hearing Room 1545

8:30 AM

2:21-12636 Victor Guerrero

Chapter 13

#9.00 Cont'd hrg re: Objection to Proof of Claim Number 4
by Claimant Jefferson Capital Systems, LLC
fr. 08/12/21

Docket 25

Tentative Ruling:

Tentative Ruling for 9/9/21:

Grant the objection and disallow Claim 4 in full. Appearances are not required on 9/9/21.

Proposed order: Debtor is directed to lodge a proposed order via LOU within 7 days after the hearing date and attach a copy of this tentative ruling, thereby adopting it as this Court's final ruling. See LBR 9021-1(b)(1)(B).

(a) Counsel may charge a reduced fee of \$175.00

This Court has reviewed Counsel's cost/benefit analysis stating that he will not seek more than \$175.00 for time spent in connection with this matter. Dkt. 37. Counsel appears to be correct that authorizing a reduced fee of \$175.00 will result in a net benefit to the estate of \$116.70, because Debtor's confirmed Plan proposes a 100% dividend to general unsecured creditors. See Dkt. 18 & 28.

This Court notes that even with that voluntary cap, a net benefit to the bankruptcy estate and Debtor are not assured. If circumstances were to change, and Debtor later seeks to modify his Plan due to a material change in his income or expenses, then it is possible that Counsel will have been paid 100% of his administrative claim and the net benefit of the Claim Objection might be de minimus or actually result in a lower payment to general unsecured creditors.

Nevertheless, on this record, this Court is prepared to find that the cost/benefit analysis sufficiently establishes some benefit to the estate for purposes of the posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) regarding claim objections, so this Court's limitation on fees in the prior tentative ruling on this matter is hereby vacated and Counsel is authorized to charge \$175.00 in fees.

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CONT...

Victor Guerrero

Chapter 13

Counsel is cautioned that in future, this Court will require a stronger showing of a benefit to the estate to justify any award of fees for claim objection(s).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone**. You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 8/12/21:

Continue to 9/9/21 at 8:30 a.m. to address the following issues. Appearances are not required on 8/12/21.

Reasons:

Lack of cost/benefit analysis. The posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) provide:

§ 502: claim objections & cost/benefit analysis. When objecting to claims, be sure to include an analysis of whether the costs of preparing and litigating the claim objection (administrative expenses) do not exceed the anticipated benefits (reductions in claims). For example, if the anticipated dividend is small or 0% then the attorney fees incurred in prosecuting your claim objection to any general unsecured claim probably will exceed the benefit to

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CONT...

Victor Guerrero

Chapter 13

the bankruptcy estate/debtor, so filing that objection would be a waste of the bankruptcy estate's (and everyone else's) resources (unless, for example, the claim is nondischargeable, in which event the attorney fees might well be justified).

No later than 7 days after the date of this hearing the movant must file either:

(1) a supplemental declaration explaining why the attorney fees for this objection are justified (including supporting evidence, such as a copy of the plan showing the projected dividend to the claimant, and a calculation comparing that projected dividend against the attorney fees related to this claim objection), or

(2) a withdrawal of the claim objection.

No fees on this matter, absent specific authorization. Counsel is directed not to charge any fees on this matter (including all past, present and future work related to this claim objection), immediately withdraw the fee application filed 7/15/21 (dkt. 34) and return any fees received on this matter, unless and until this Court expressly finds: "Counsel has provided a cost/benefit analysis that is sufficient for purposes of Judge Bason's posted Procedures regarding claim objections." It is counsel's responsibility to include the quoted phrase, if warranted, in the proposed order on this claim objection.

This Court does not have the capacity to monitor all fee applications to assure compliance with the foregoing limitation on fees. But if counsel is found to have disregarded this limitation then this Court may impose sanctions.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone.** You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless

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8:30 AM

CONT... Victor Guerrero

Chapter 13

otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Victor Guerrero

Represented By
Sundee M Teeple

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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2:21-13872 Demestrice Spencer

Chapter 13

#10.00 Cont'd hrg re: Motion for Order Determining Value of Collateral
[11 U.S.C. §506(a), FRBP 3012)
fr. 07/22/21

Docket 19

Tentative Ruling:

Tentative Ruling for 9/9/21:
Appearances required.

This matter was continued to this date to allow time for the junior lienholder to obtain an appraisal of the subject property. There is no tentative ruling, but the parties should be prepared to address why no appraisal has been filed as of the time this tentative ruling was prepared (it was due 8/25/21 per the adopted Tentative Ruling for 7/22/21, reproduced below), and how they propose to resolve their disputes - e.g., (i) with an evidentiary hearing; (ii) with a court ruling based solely on the written record (to save costs, if all parties consent), (iii) through mediation, or (iv) through appointment of an appraiser (jointly selected by the parties/their appraisers) as the court's own expert under FRE 706.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone.** You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the

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CONT... Demestrice Spencer

Chapter 13

posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 7/22/21:

Continue to 9/9/21 at 8:30 a.m. to address the following issues. Appearances are not required on 7/22/21.

Reasons:

Appraisal; date of valuation. The junior lienholder has requested (dkt. 25) additional time to obtain an appraisal. Debtor is directed to provide reasonable access for that purpose. The junior lienholder is directed to file and serve the appraisal at least 14 days before the continued hearing. Note: Judge Bason's tentative ruling is to require valuations *at or near the petition date*. See *In re Gutierrez*, 503 B.R. 458 (Bankr. C.D. Cal. 2013).

At the continued hearing the parties should address how they propose to resolve their disputes - *e.g.*, (i) with an evidentiary hearing; (ii) with a court ruling based solely on the written record (to save costs, if all parties consent), (iii) through mediation, or (iv) through appointment of an appraiser (jointly selected by the parties/their appraisers) as the court's own expert under FRE 706.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone**. You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

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CONT... Demestrice Spencer

Chapter 13

Party Information

Debtor(s):

Demestrice Spencer

Represented By
Michael D Franco

Trustee(s):

Kathy A Dockery (TR)

Pro Se

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2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#1.00 Hrg re: Debtor's Motion for Order Authorizing Use of Not More Than \$40,000 for Due Diligence and Document Preparation Expense Regarding Proposed Financing to Fund Plan of Reorganization

Docket 1488

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 3, 9/9/21 at 2:00 p.m.).

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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Hearing Room 1545

2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#2.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 10/1/19, 11/12/19, 11/21/19, 01/14/20, 03/03/20,
04/07/20, 5/19/20, 7/14/20, 7/28/20, 8/4/20, 9/15/20,
10/27/20, 01/26/21, 4/27/21, 6/1/21, 7/8/21, 8/18/21,
8/19/21

BOBS, LLC
vs
DEBTOR

Docket 936

Tentative Ruling:

Tentative Ruling for 9/9/21:

Please see the tentative ruling for the status conference (Calendar No. 3, 9/9/21 at 2:00 p.m.).

Tentative Ruling for 8/19/21:

Please see the tentative ruling for the status conference (Calendar No. 4, 8/19/21).

[INTERIM TENTATIVE RULINGS OMITTED]

Tentative Ruling for 10/1/19:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (1) a proposed timeline, and sequence, for discovery and court proceedings regarding the value of the Paramour and whether Bobs, LLC's second loan is secured or unsecured, and (2) whether this Court should set an evidentiary hearing regarding the value of the Paramour, or whether other procedures are appropriate, such as using a third party appraiser, selected jointly by the parties' own appraisers, who would be either appointed as this Court's own expert witness to assist this Court in assessing the parties' appraisals and testimony of their appraisers, or, alternatively, whose determination would be binding. See Motion (dkt.936), Opposition

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CONT... Dana Hollister

Chapter 11

papers (dkt.948, 949, 950, 951, 952), *and* Reply papers (dkt.958, 959).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

Movant(s):

Bobs, LLC

Represented By
David I Brownstein
Gerrick Warrington

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2:00 PM

2:18-12429 Dana Hollister

Chapter 11

#3.00 Cont'd Status Conference re: Chapter 11 Case
fr. 3/9/18, 3/20/18, 3/21/18, 4/17/18, 5/3/18, 5/7/18,
6/12/18, 6/22/18, 7/16/18, 8/3/18, 9/4/18, 11/6/18,
01/15/19, 1/29/19, 2/26/19, 3/26/19, 4/16/19;
04/29/19, 05/21/19, 5/28/19, 6/18/19, 7/2/19; 08/06/19,
10/15/19, 11/12/19, 11/21/19, 01/14/20, 3/3/20, 3/10/20,
04/07/20, 5/19/20, 6/16/20, 6/30/20, 7/14/20, 7/28/20,
8/4/20, 09/15/20, 10/27/20, 12/08/20, 1/21/21, 02/25/21,
3/23/21, 4/27/21, 6/1/21, 6/15/21, 7/8/21, 7/20/21, 8/18/21,
8/19/21

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/21:
Appearances required.

(1) Current issues

(a) Motion of Bobs LLC ("Bobs") For Relief From The Automatic Stay ("R/S Motion," dkt. 936), Prior Responses (dkt. 948-952), Bobs' Prior Reply (dkt. 958, 959), Joinder in Prior Response (dkt. 1005), Bobs' Supplement (dkt. 1413), Supp. Response of Dean G. Rallis, Jr., Court Appointed Agent ("Agent") (dkt. 1415), Agent's Evidentiary Objections (dkt. 1416), Supp. Joinder of The Bird Nest, LLC ("Bird") and the Roman Catholic Archbishop of Los Angeles and the California Institute of the Sisters of the Most Holy and Immaculate Heart of the Blessed Virgin Mary (collectively, "Church") (dkt. 1417), Scheduling Order (dkt. 1419), Participation request of Church (dkt. 1428) and Order thereon (dkt. 1467), Participation Request of Deanna Stats (dkt. 1429) and Order thereon (dkt. 1465), Bobs's Pretrial Brief (dkt. 1476), Church/Bird's Pretrial Brief (dkt. 1479), Agent's Pretrial Brief (dkt. 1482), Joint Pretrial Stipulation (dkt. 1483)

There is no tentative ruling, but the parties should be prepared to address (a) implementation of the conditions and modifications of the automatic stay set forth in this Court's oral rulings at the hearing on 8/19/21, and/or (b) any alternative means of providing equivalent adequate protection

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CONT... Dana Hollister
to Bobs.

Chapter 11

Proposed order: If this Court issues a ruling on the motion at this time, Bobs is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

(b) Debtor's Motion for Order Authorizing Use of Not More than \$40,000 for Due Diligence and Document Preparation Expense Regarding Proposed Financing to Fund Plan of Reorganization (the "Loan Exploration Motion") (dkt. 1488), Order Shortening Time (dkt. 1490), Notice/POS (dkt. 1492-94), Opposition of Church and Bird (dkt. 1504, 1507), Debtor's Status Report in lieu of Reply (dkt.1509)

There is no tentative ruling.

Proposed order: If this Court issues a ruling on the motion at this time, the prevailing party is directed to lodge a proposed order via LOU within 7 days after the hearing date. See LBR 9021-1(b)(1)(B).

(2) Deadlines/dates. This case was filed on 3/6/18.

(a) Bar date: 8/24/18 (dkt. 367, timely served per dkt. 383)

(b) Plan/Disclosure Statement: TBD. See the **revised** "Procedures of Judge Bason" (available at www.cacb.uscourts.gov) (search for "Chapter 11: Plan").

(c) Continued status conference: 9/28/21 at 1:00 p.m. (concurrent with other matters). No written status report required.

(d) Limited Notice: A "Core Service List" has been established (see dkt.97, p.3:4-17, dkt.195), as modified by any updates (contact Debtor for latest list).

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, **hearings are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via**

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CONT... Dana Hollister

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ZOOMGOV telephone. You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

[PRIOR TENTATIVE RULINGS OMITTED (for principal issues, see dkt. 238, 239, 528, 547, 557, 1330, 1382-83, 1410, 1497)]

Party Information

Debtor(s):

Dana Hollister

Represented By
David A Tilem
Mark A Kressel
Alan M Insul

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3:30 PM

2:19-18316 Ashley Susan Aarons

Chapter 11

#1.00 Cont'd Status Conference re: Post confirmation
fr. 8/20/19, 9/24/19, 10/4/19, 10/15/19, 10/29/19,
11/12/19, 12/10/19, 1/14/20, 03/31/20, 4/7/20,
4/21/20, 5/5/20, 6/16/20, 6/30/20, 8/4/20, 9/29/20,
10/14/20, 10/22/20, 11/12/20, 12/8/20, 12/22/20,
1/5/21, 1/26/21, 2/4/21, 2/11/21, 4/27/21, 5/4/21,
8/17/21

Docket 1

Tentative Ruling:

Tentative Ruling for 9/9/21:

Appearances required.

(1) Current issues

(a) Status of takeout financing

At the hearing on 8/17/21 this Court was persuaded to continue this matter to this date to allow time for Debtor to obtain financing in an amount sufficient to pay off secured creditors and administrative expenses. There is no tentative ruling, but the parties should be prepared to provide an update on the status of those efforts.

(2) Deadlines/dates

This case was filed on 7/17/19, and Debtor's plan was confirmed on 2/11/21 (dkt. 390). The tentative ruling is to set a further continued Post-Confirmation Status Conference for 9/28/21 at 1:00 p.m. No written post-confirmation status report required.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's

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CONT... Ashley Susan Aarons

Chapter 11

COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Tentative Ruling for 8/17/21:
Appearances required.

(1) Current issues

(a) Disputes with several creditors

This Court has reviewed Debtor's post-confirmation reports (dkt. 431, 432), the responses filed by (i) administrative claimant Michael R. Totaro/Totaro & Shanahan ("Totaro") (dkt. 436) and (ii) Verus Securitization Trust 2020-NPL1, as successor in interest to Invictus Residential Pooler Trust 3A, and Patch of Land Lending, Inc. (collectively, "Verus/Patch") (dkt. 435), and Debtor's (unsigned) reply declaration (dkt. 438). There is no tentative ruling, but the parties are directed to address whether this Court should set a briefing schedule on any of their disputes that properly can be presented to this Court, or whether this Court should simply continue this status conference, or set any other procedures at this time.

(2) Deadlines/dates

This case was filed on 7/17/19, and Debtor's plan was confirmed on 2/11/21 (dkt. 390). The tentative ruling is to set a further continued Post-Confirmation Status Conference for 9/28/21 at 1:00 p.m. *Brief* post-confirmation status report due 9/14/21.

If appearances are not required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings." If appearances are required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's COVID-19 procedures, **all appearances are via ZoomGov**. For ZoomGov instructions for all matters on calendar, please see the tentative ruling for the

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CONT... **Ashley Susan Aarons** **Chapter 11**
first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Ashley Susan Aarons

Represented By
James C Bastian Jr
Rika Kido

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se